

**REMARKS**

In the instant Office Action, claims 1-11 and 15-23 are pending in the application. The Examiner noted that, in the Response filed on June 22, 2004, claim 6 was listed as "currently amended" and that the arguments presented therein stated claim 6 had been amended; however, no changes had been made to claim 6 due to an inadvertent oversight by Applicants. By this response, claim 6 has been amended. In addition, a minor amendment necessitated by a typographical error has been made to claim 1. Thus, claims 1-11 and 15-23 are pending in the application.

In the Response filed June 22, 2004, Applicants intended to amend independent claims 1, 6 and 15 to add a sensor unit. The Examiner had indicated in the Office Action dated December 22, 2003 that recitation of a combination of a garment and a sensor might overcome the 35 U.S.C. §102 objections to claims 1, 6 and 15. In addition, claims 2-5, 7-10, and 16-21 were also amended by way of dependency on the amended independent claims. However, as stated above, the intended changes to claim 6 were inadvertently omitted.

Applicants respectfully reiterate their arguments in the Response filed June 22, 2004 against the Examiner's rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over *Stephens, et al.* (U.S. Patent No. 5,454,376) in view of *Keyes*. The Examiner asserted that *Stephens* teaches the use of a breathing condition monitor with other sensors (see col. 9, lines 40--60). However, *Stephens* does not teach an infant's shirt usable with other sensors that specifically rely on the use of a light opaque fabric with sensors that are

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in skin contact with a patient and that communicate optically with the skin of the patient by being placed proximate a patient's thoracic region. Applicants assert that it would not have been obvious to modify *Stephens* to allow sensors to have access to a patient through holes in a pocket. Applicants assert that it does not involve a mere substitution of one known configuration sensor for another. *Stephens* does not teach the specific sensor configuration, nor the provision of a retaining pocket having a light opaque fabric opposite an opening on another side.

The anticipation rejection of claim 6 under 35 U.S.C. §103(a) is believed to be overcome by the amendment presented herein, and withdrawal of this rejection is respectfully requested.

### CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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By: 

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